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KAZEROUNI LAW GROUP, APC

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Attorneys for Plaintiff and Proposed
Settlement Class

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CARRIE COUSER, individually
and on behalf of all other similarly
situated,

Plaintiffs,

v.

COMENITY BANK,

Defendant.

Case No.: 12-CV-02484-MMA-BGS

**DECLARATION OF JASON A. IBEY
IN SUPPORT OF PLAINTIFF'S
MOTION FOR ATTORNEYS'
FEES, COSTS AND INCENTIVE
PAYMENT**

Date: April 20, 2015

Time: 2:30 p.m.

Place: Courtroom 3A

Judge: Hon. Michael M. Anello

DECLARATION OF JASON A. IBEY

I, JASON A. IBEY, declare:

1. I am an attorney admitted to the State Bar of California on November 26, 2012, and have been a member in good standing since that time. I have litigated cases in federal courts in California. I am also admitted in every Federal district in California and have handled federal litigation in the federal districts of California. I am an associate with the law firm Kazerouni Law Group, APC, and co-counsel for plaintiff Carrie Couser ("Plaintiff") in the above-captioned action against defendant Comenity Bank ("Defendants").
2. I have personal knowledge of the following facts and, if called upon as a witness, could and would competently testify thereto, except as to those matters which are explicitly set forth as based upon my information and belief and, as to such matters, I am informed and believe that they are true and correct.
3. I am writing this declaration in support of Plaintiff's Motion for Attorneys' Fees, Costs and Incentive Payment.
4. I have worked on this case, filed on October 12, 2012, since May 23, 2013.
5. I filed my notice of appearance in this case on October 7, 2013.
6. As an associate attorney working on this case, I incurred 52.1 hours of legal work as of January 6, 2015, having maintained contemporaneous records of hours worked and the task performed. More specifically, I spent approximately 8.7 hours on discovery matters, which included the following: preparation of a discovery plan, review of the parties' initial disclosures; numerous written and telephonic meet and confer conferences with opposing counsel to resolve discovery disputes and respond to requests for extensions, preparing deposition notices, and reviewing deposition transcripts. I spent

1 approximately 25.4 hours assisting with negotiating the settlement and
 2 seeking the Court's approval of the settlement thereafter, which including
 3 assisting with the preparation of the motion for preliminary approval. I spent
 4 approximately 1.8 hours engaged in settlement administration, which
 5 includes such tasks as answering inquiries from Class Members,
 6 communicating with the Claims Administrator. Additionally, I spent
 7 approximately 10.7 hours working on the fee brief.

- 8 7. I anticipate spending an additional 10 hours working on the motion for final
 9 approval of class action settlement, for a total of 62.1 hours incurred in
 10 working on this case.
- 11 8. Prior to being admitted to practice law in California, I interned for the
 12 Honorable Deborah Sanchez of the Los Angeles Superior Court, at the
 13 Courthouse in Bellflower, California, for approximately two months.
- 14 9. Prior to being admitted to practice law in California, I also interned for
 15 Kazerouni Law Group, APC for over one year, and was entrusted with
 16 drafting numerous briefs in support of and in opposition to motions
 17 concerning consumer actions, including class actions.
- 18 10. I have assisted with drafting two appeals to the Ninth Circuit Court of
 19 Appeals, one of which was recently granted in favor of my client (*see*
 20 *Knutson v. Sirius XM Radio*, No. 12-56120 (9th Cir. 2014)).
- 21 11. I am currently assisting with the drafting of an appellate brief in the matter
 22 of *Marks v. Crunch San Deigo, LLC*, 14-56834 (9th Cir.).
- 23 12. I predominantly practice in the Southern District of California.
- 24 13. I practice law exclusively in the area of consumer actions, with over 90% of
 25 my legal practice dedicated to consumer class actions. I have been involved
 26 in litigating dozens of consumer class actions.
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1 14.I have contributed significantly to several consumer class actions in which a
2 favorable published decision was issued, including but not limited to the
3 following cases:

- 4 a. *Sherman v. Yahoo!, Inc.*, 13-cv-00041-GPC-WVG (S.D. Cal.);
- 5 b. *Stemple v. QC Holdings, Inc.*, 3:12-cv-01997-BAS-WVG (S.D. Cal.);
- 6 c. *Barani v. Wells Fargo Bank, N.A.*, 3:12-cv-02999-GPC-KSC (S.D.
7 Cal.);
- 8 d. *Olney v. Job.com, Inc. et al.*, 12-cv-01724-LJO-SKO (E.D. Cal.);
- 9 e. *Dake v. Receivables Performance Management, LLC, et al.*, 12-cv-
10 01680-VAP-SP (E.D. Cal.); and
- 11 f. *Webb v. Healthcare Revenue Recovery Group, LLC*, 13-cv-00737-RS
12 (N.D. Cal.).

13 15.I have served as plaintiff's counsel in at least the following cases involving
14 various consumer rights claims (including class actions claims) under the
15 Telephone Consumer Protection Act:

- 16 a. *Vacarro v. I.C. Systems, Inc.*, 12-cv-02371-JAH-NLS (S.D. Cal.);
- 17 b. *Emanuel v. The Los Angeles Lakers, Inc.*, 12-cv-09936-GW-SH (C.D.
18 Cal.);
- 19 c. *Rivera v. Nuvel Credit Company LLC*, 13-cv-00164-TJH-OP (E.D.
20 Cal.);
- 21 d. *Sherman v. Yahoo!, Inc.*, 13-cv-00041-GPC-WVG (S.D. Cal.)
(defeated the defendant's motion for summary judgment);
- 22 e. *Sherman v. Kaiser Foundation Health Plan, Inc.*, 13-CV-0981-JAH
23 (JMA) (S.D. Cal.) (Pending filing of motion for preliminary
24 approval);
- 25 f. *Olney v. Job.com, Inc. et al.*, 12-cv-01724 -LJO-SKO (E.D. Cal.);
- 26 g. *Webb v. Healthcare Revenue Recovery Group, LLC*, 13-cv-00737-RS
(N.D. Cal.) (Pending class certification decision);
- 27 h. *Holt v. Redbox Automated Retail, LLC*, 11-cv-3046-DMS-RBB
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- i. *Hunter v. Pioneer Credit Recovery, Inc.*, 13-cv-02090 -JAK-DTB (E.D. Cal.);
- j. *Abdeljalil v. GE Capital Retail Bank*, 12-cv-02078-JAH-MDD (S.D. Cal.) (pending class certification decision);
- k. *Heggen v. CitiBank N.A., et al.*, 13-cv-00021-MWF-PLA (C.D. Cal.);
- l. *Barrett v. Wesley Financial Group, LLC, et al.*, 13-cv-00554-LAB-KSC (S.D. Cal.) (pending class certification decision);
- m. *Cain v. Power Home Technologies, Inc.*, 13-cv-01507-H-WVG (S.D. Cal.);
- n. *Couser v. Comenity Bank*, 12-cv-02484-MMA-BGS (S.D. Cal.) (preliminarily approved TCPA class action with common fund of \$8,475,000);
- o. *Foote v. Credit One Bank, NA., et al.*, 13-cv-00512 -MWF-PLA (C.D. Cal.);
- p. *Island v. Chase Student Loan Services, LLC*, 13-cv-02242-BEN-BLM (S.D. Cal.);
- q. *Montoya v. SLM Corporation et al.*, 14-cv-00287-KAW (N.D. Cal.);
- r. *Robinson v. Credit Control, LLC*, 13-cv-01672 -DMS-WVG (S.D. Cal.);
- s. *Stemple v. QC Holdings, Inc.*, 3:12-cv-01997-BAS-WVG (S.D. Cal.) (class certification granted);
- t. *Lemieux v. EZ Lube, Inc. et al.*, 12-cv-01791-BAS-JLB (S.D. Cal.) (finally approved for \$479,364);
- u. *Knutson v. Schwan's Home Service, Inc. et al.*, (preliminarily approved for \$ 2,535,280); and
- v. *Barani v. Wells Fargo Bank, N.A.*, 12-CV-02999-GPC-KSC (S.D. Cal.) (Class action settlement under the TCPA for the sending of unauthorized text messages to non-account holders in connection to wire transfers; preliminarily approved for \$1,033,361.95).

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1 16. Therefore, I believe that my experience with consumer class actions,
2 despite having only been admitted to practice law in late 2012, is
3 sufficient to justify my hourly billing rate in this case of \$365 per hour.

4 I declare under penalty of perjury that the foregoing is true and correct.
5 Executed on January 6, 2015, pursuant to the laws of the United States of America
6 and the State of California at Costa Mesa, California.

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8 /s/ Jason A. Ibey
9 Jason A. Ibey
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